

June 27, 1995

Todd W. Westphal
Assistant Nicollet County Attorney
424 South Minnesota Avenue
P.O. Box 360
St. Peter, Minnesota 56082-0360

Lori Veroeven
252 Nicollet Avenue, Apartment 5
North Mankato, Minnesota 56003

RE: Proposed Suspension of the License of Lori Veroeven—Letter/Order
Denying Nicollet County's Request for Costs; OAH Docket No. 7-1800-
9683-2

Dear Mr. Westphal and Ms. Veroeven:

At the hearing in this matter on June 5, 1995, counsel for Nicollet County inquired whether there was authority to award costs to the prevailing party in Human Services licensure cases and requested that the County be awarded its costs against Ms. Veroeven because her appeal was frivolous and without merit.

Minn. Stat. §§ 15.471-15.475 and Minn. Rule 1400.8401 establish that costs and fees may be awarded to a "prevailing party other than the state" in a contested case proceeding if that party "shows that the position of the state was not substantially justified". The statute provides no relief for the state (or, in this case, counties that "stand in the shoes" of the state). Because no relief of the type requested by counsel is available, IT IS ORDERED that Nicollet County's request for an award of costs in this proceeding is DENIED.

Sincerely,

RICHARD C. LUIS
Administrative Law Judge

Telephone: 612/349-2542

RCL:llc

cc: Maria R. Gomez
Commissioner of Human Services